

ASSEMBLY BILL

No. 1441

**Introduced by Assembly Member Garcia
(Coauthors: Assembly Members Bates and La Suer)**

February 21, 2003

An act to amend Section 11165.5 of the Penal Code, relating to abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 1441, as introduced, Garcia. Abuse.

Existing law defines abuse as neglect in out-of-home care for purposes of the Child Abuse and Neglect Reporting Act which mandates that certain individuals report child abuse and neglect, as specified.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11165.5 of the Penal Code is amended
2 to read:
3 11165.5. As used in this article, the term “abuse or neglect in
4 out-of-home care” includes physical injury inflicted upon a child
5 by another person by other than accidental means, sexual abuse as
6 defined in Section 11165.1, neglect as defined in Section 11165.2,
7 unlawful corporal punishment or injury as defined in Section
8 11165.4, or ~~the~~ willful cruelty *toward* or unjustifiable punishment
9 of a child, as defined in Section 11165.3, ~~where~~ *if* the person

1 responsible for the child's welfare is a licensee, administrator, or
2 employee of any facility licensed to care for children, or an
3 administrator or employee of a public or private school or other
4 institution or agency. "Abuse or neglect in out-of-home care"
5 does not include an injury caused by reasonable and necessary
6 force used by a peace officer acting within the course and scope of
7 his or her employment as a peace officer.

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